



DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT SEXUAL HARASSMENT	POLICY NO. 605.2	EFFECTIVE DATE 01/01/95	PAGE 1 of 6
APPROVED BY: original signed by: ARETA CROWELL Director	SUPERSEDES 10/1/89	ORIGINAL ISSUE DATE 11/1/81	DISTRIBUTION LEVEL(S) 1

PURPOSE AND INTRODUCTION

- 1.1 To establish Department of Mental Health (DMH) policy prohibiting sexual harassment in the work place; and to identify DMH procedures for clients, members of the public, examination candidates, prospective employees, and departmental employees to follow to file complaints of sexual harassment against DMH employees.
- 1.2 Sexual harassment in the work place is degrading to all individuals, including those who may not be the targets of such conduct, because it creates a hostile work environment or denies everyone the opportunity to be fairly considered on their individual, job-related merits. Further, sexual harassment is a form of sex discrimination. When it occurs, sexual harassment reflects poorly on the Department and its employees, and impedes goals to provide mental health services to the public in a professional and effective manner.
- 1.3 Sexual harassment can occur between individuals of the same sex or between individuals of opposite sexes. It can occur between superior and subordinate, co-workers, employee and client, and employee and a vendor doing business with the Department.
- 1.4 Managers, supervisors, and employees who have questions regarding the implementation of this policy should contact the DMH Personnel Bureau, Employee Relations/Technical Services Section.

POLICY

- 2.1 Sexual harassment in the work place or work-related environment, or in the performance of job duties, is prohibited conduct. Sexual harassment is also against State and Federal laws.
- 2.2 Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - 2.2.1 submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, benefits or services received from DMH;
 - 2.2.2 submission to or rejection of such conduct by an individual is used as the basis for any decision on employment, benefits or services affecting such individual;



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- 2.2.3 such conduct has the purpose or effect of unreasonably interfering with an individual's work performance, benefits, or services received from the Department; or creating an intimidating, hostile, or offensive work environment.
- 2.3 Sexual harassment also occurs as any of the following conduct when it is done with a sexual intent or connotation or on a sex-determined basis:
- 2.3.1 The conditioning of employment, benefits, or services in exchange for sexual favors, including unwanted sexual advances. Examples of sexual favors are continued requests for dates; any threat of demotion, termination, discipline, loss of pay, benefits, or status, if the requested sexual favors are not given; or propositioning an individual; any threatened denial, termination, or alteration of DMH services, benefits, or diagnoses if the requested sexual favors are not given; making or threatening reprisals after a negative response.
- 2.3.2 Physical harassment including, but not limited to, assault; blocking movement; or any physical interference with normal work or movement when directed at an individual; touching, pinching, patting, grabbing, brushing against or poking another individual's body; or requiring the individual to wear sexually suggestive clothing.
- 2.3.3 Verbal harassment including, but not limited to, epithets and derogatory comments or slurs; name-calling; use of patronizing terms; sexually explicit or degrading words to describe an individual; sexually explicit jokes; comments about an employee's anatomy and/or dress; and inquiries about a person's sexual practices.
- 2.3.4 Visual harassment including displaying or sending sexually derogatory pictures, objects or writings; or physically gesturing in an obscene or sexually oriented manner. Examples include the displaying of sexual photographs, posters or cartoons; sending obscene or unwanted love letters or invitations; leering at or "mooning" an individual.
- 2.4.1 Any DMH manager, supervisor, or employee who is found to have committed an act of sexual harassment is subject to counseling or disciplinary action, including warning, reprimand, suspension, reduction, or discharge.
- Sexual harassment may also render the offender personally, financially liable in civil proceedings.
- 2.5 The Department will also take all reasonable steps to prevent or eliminate sexual harassment of its employees by non-employees, including clients and vendors.



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- 2.6 Any of the behavior listed in Sections 2.2 or 2.3 may also constitute violations of other DMH policies or inappropriate behavior warranting counseling, disciplinary action, or other administrative action, even if sexual harassment is not found to have occurred.
- 2.7 No manager, supervisor, or employee may take any retaliatory action against any individual for having filed a sexual harassment complaint; for having opposed sexual harassment; or for having participated in an investigation, proceeding or hearing on allegations of sexual harassment. Such actions by a manager, supervisor, or employee may result in discipline.
- 2.7.1 Retaliatory action includes, but is not limited to, failing to consider for hire or not hiring a qualified, prospective employee; disciplining an employee; adversely affecting an employee's working condition; or denying any employment benefit to an otherwise qualified employee.
- 2.7.2 Retaliatory action is also a violation of State and Federal laws.

STEPS TO TAKE WHEN CONFRONTED WITH SEXUAL HARASSMENT

- 3.1 If a DMH client, member of the public seeking services, examination candidate, prospective employee, or DMH employee believes that he or she is or has been the subject of sexual harassment by a DMH employee, any of the following actions should be taken:
- 3.1.1 When possible, confront the harasser and persuade him or her to stop. Sometimes the individual may not be aware that the particular conduct is offensive. Inform the individual that the conduct is unwelcomed and must stop. Tell the individual of any further steps that will be taken if the harassment continues. Document attempts to have the individual stop the harassment.
- Also, document the actual incidents of harassment, identifying the date, place, nature, and any witnesses.
- 3.1.2 Report the sexual harassment as identified below in Sections 3.2 or 3.3, especially if the individual continues sexual harassment after being told to stop.
- 3.2 To file a complaint of sexual harassment for investigation and/or resolution by the Department, the examination candidate, prospective employee, or DMH employee may take the following actions:
- 3.2.1 Report the matter to the employee's immediate supervisor or manager. If the allegation is against the immediate supervisor, the employee may report the matter to the next level supervisor or manager.



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3.2.2 Report, in writing, to the DMH Personnel Officer or designate, any acts of sexual harassment by DMH employees, including co-workers, supervisors or managers. The report should be made as soon as possible after the incident occurred.

3.2.2.1 The report should identify the alleged harasser, if known; the date, time, place, description of the alleged incident(s); and any witnesses to the alleged incident(s). Also included should be the complainant's work address and work telephone number. If the complainant is not a DMH employee, the complainant's home address and daytime telephone number should be included.

3.2.3 Contact the Los Angeles County Office of Affirmative Action Compliance located at Kenneth Hahn Hall of Administration, Room 780, Los Angeles, California 90012. The telephone number is (213) 974-1251.

3.2.4 File a sexual harassment complaint with the California State Department of Fair Employment and Housing (DFEH) within one year of such an act. DFEH investigates and resolves complaints of unlawful discrimination, including sexual harassment.

To contact DFEH, the complainant should consult the local telephone directory under State Government Offices or ask for directory assistance in Sacramento for the telephone number of DFEH headquarters.

3.2.5 File a sexual harassment complaint with the United States Equal Employment Opportunities Commission (EEOC) within six months of such an act. EEOC is the Federal agency that resolves sexual harassment claims.

To contact EEOC, the complainant should consult the local telephone directory under Federal Government or ask directory assistance in Washington, D.C., for the telephone number of EEOC.

3.2.6 Both DFEH and EEOC have the legal authority to order that a wronged party be hired, restored back pay, promoted, reinstated or granted damages for emotional distress. The agencies also have power to issue "cease and desist" orders to prevent further sexual harassment.

3.3 DMH clients or members of the public seeking services who wish to file a complaint against an employee should contact the manager of the office where the employee works or may contact the Director of the DMH Patients' Rights and Advocacy Section located at 550. S. Vermont Ave., Los Angeles, CA 90020.



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- 3.3.1 Managers, supervisors, and Patients' Rights staff who receive such complaints must immediately contact the Personnel Officer or designate before taking any further action.
- 3.4 Any employee, employment candidate, client, or member of the public seeking DMH services who believes that he or she has been subjected to sexual harassment is assured of the right to file a complaint or make a report without fear of reprisal.

DMH ACTIONS: INVESTIGATION AND RESOLUTION

- 4.1.1 A report or complaint received by the Department will be investigated thoroughly, promptly, and confidentially to the extent the allegation permits.
- 4.2 Any manager or supervisor who is aware of sexual harassment by a subordinate or receives an allegation of sexual harassment shall either, depending on the nature of the allegation, investigate and resolve the matter, or consult with the Personnel Officer or his/her designate as soon as possible.
- 4.2.1 Before taking any investigatory action, managers and supervisors must consult with the Personnel Officer or designate on allegations involving any physical harassment, or repeated harassment of any kind, or sexual favors in exchange for employment, benefits or services received from DMH.
- 4.3 The Department will attempt to conclude any investigation within 60 days; however, failure to complete the investigation within that time does not invalidate any findings or any resulting disciplinary action.
- 4.3.1 An investigation will include contacting the complainant, witnesses and other individuals who can provide information about the allegations, and the alleged harasser.
- 4.3.2 In some minor forms of sexual harassment allegations, such as an inappropriate comment, the manager may arrange with the consent of the alleged victim, to meet jointly with the involved individuals to discuss and resolve the issue between them without the need for a formal investigation.
- 4.4 Pending the outcome of any investigation, the work place of either the alleged harasser or the alleged victim, if an employee, may be temporarily relocated as appropriate. The relocation is to help ensure the least disruption of the work environment and is not considered a disciplinary action. Upon completion of the investigation, a determination will be made as to the permanent work location of either individual.
- 4.5 Where sexual harassment has impacted an employment status, benefit, or condition, the DMH will take remedial action. In addition, appropriate administrative action, as provided in Section



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2.5, may be taken even if the sexual harassment did not impact an employment status, benefit, or condition.

AUTHORITY

Los Angeles County Code, Section 5.02.040

California Government Code, Sections 12900 through 12996

California Department of Fair Employment and Housing Regulations (2 CCR 7287.6)

United States Equal Employment Opportunity Commission, Guidelines on Sexual Harassment
(29 CFR 1604.11)